

REMARKS

The claims are 1-16, 20-21 and 24-27, with claim 1 being the sole independent claim. Claims 17-19 and 22-23 have been canceled without prejudice or disclaimer. Claims 3-12, 15, 16, 20 and 21 have been amended to correct formal matters. Support for the amendments to claim 1 may be found in the specification at page 3, lines 6-7. Support for claim 24 may be found in claim 20. Support for claim 25 may be found in claims 2-12 and in the Examples. Support for claims 26 and 27 may be found in claims 7 and 9.

Claims 4-23 were objected to as being in improper form. Applicants have amended the claims to comply with U.S. practice.

Claims 1-3 were rejected under 35 U.S.C. 112, first paragraph. The Examiner contends that the specification is allegedly enabling for using the compounds of formula I only:

when Y equal to carbon – however Y is nitrogen in Example 12;

when X equal to carbonyl – however X is CO in Example 18 and is CH/CH₂ in all other Examples;

when a equal to 1, or 2 – however a is 0 in Examples 12 and 13;

when A equal to oxygen and R² is equal to halogen or C₁₋₆ alkoxy, – however A, with R², is benzoxolone in Example 19,

when R³ equal to an optionally substituted N-linked heterocycle which is piperidine or morpholinyl – however, R³ is dialkylamino in Examples 7 and 11.

Applicants respectfully submit that the Examiner has mischaracterized the structures of the compounds described in the subject application that provide enablement for the pending claims.

In addition, Applicants object to the Examiner's conclusion that claim invention is allegedly non-enabled. The standard for determining whether the specification meets the enablement requirement is whether the experimentation needed to practice the invention undue or unreasonable. The fact that experimentation may be complex does not necessarily make it undue, if the art typically engages in such experimentation. (MPEP 2164.01). Applicants have provided a number of synthetic procedures which would enable one of ordinary skill in the art to prepare the compounds of this invention and have provided methods to evaluate these compounds. Reconsideration is respectfully requested.

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In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn L. Sieburth', written in a cursive style.

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